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**BZA-1905  
MARKET SOUTH LLC  
Special Exception**

**STAFF REPORT  
April 17, 2014**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owner and represented by attorney Andrew Gutwein, is requesting a special exception to operate a drive-thru window for an eating and drinking establishment, more specifically a bagel and sandwich shop, in the Neighborhood Business zone. The drive-thru service would occur between 6:00am and 6:00pm, seven days a week. The recently constructed retail center occupies lots 3 and 4 of Valley Lakes Shoppes Subdivision, Part 2 and is commonly known as 2049 Veterans Memorial Parkway South, Lafayette, Wea 9(SE) 22-4.

**AREA ZONING PATTERNS:**

The site is currently zoned NB, Neighborhood Business. Petitioner had filed a rezone request for this same land to GB (Z-2566), but it was withdrawn on April 16, 2014.

R3 zoning is located east of the site in question across Regal Valley Drive; GB zoning is north across Veterans Memorial and further west at the corner of Veterans Memorial Parkway and South 18<sup>th</sup> Street.

**AREA LAND USE PATTERNS:**

The lots contain a new retail center with a restaurant/bar, fitness facility, insurance office and a tanning salon. Located to the west is another retail center containing a gas station, a restaurant and a bank. East across Regal Valley Drive is an assisted living facility and an apartment complex. North across Veterans Memorial Parkway are a bank, a retail center containing offices and a fast food restaurant; land to the south is undeveloped.

**TRAFFIC AND TRANSPORTATION:**

The center has frontage on Veterans Memorial Parkway, Regal Valley Drive (to the east) and Regal Valley Place (a private drive to the south); access to these lots would either be from Regal Valley Drive or Place.

Parking is dependent on use: restaurants necessitate the most intensive parking standard at one space per 100 square feet of gross floor area. A conversation with the Lafayette City Engineer's Office revealed that enough parking was constructed to handle a total of 13,000 sq. ft. of restaurant space out of the total 29,292 sq. ft. in the center. Approximately 5,000 sq. ft. of restaurant space is utilized by the existing restaurant, Wings Etc. Grill & Pub. The proposed bagel shop would be about 1,800 sq.

ft. which means the existing number of spaces exceeds the ordinance parking requirement.

Traffic counts taken in 2012 on Veterans Memorial Parkway indicate that 17,700 vehicles pass this site daily.

## **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

City utilities serve the site.

## **STAFF COMMENTS:**

Petitioner has recently constructed a retail center consisting of different service establishments including a restaurant, a fitness facility and an insurance office. A potential tenant, a bagel and sandwich shop, would relocate from their former location on S. 9<sup>th</sup> to the center and would like to have a drive-thru window at the west side of the building. The zoning ordinance allows drive-thru windows for restaurants by right in the GB zone, but a special exception is required in the NB zone. Petitioner had filed a rezone to GB for this land, but after receiving an inconclusive vote from APC in March, the petition was withdrawn.

Per the site plan, the L-shaped retail center would have a drive-thru window on the western end of the building. Traffic circulation would pass the front of the center fronting Veterans Memorial Parkway and head south on the western side of the building, exiting onto Regal Valley Place. No speaker or menu board will be utilized, but instead customers will place their order, pay and pick-up at the single window.

At its meeting on April 2, 2014 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for an eating and drinking establishment drive-thru window in the Neighborhood Business zone.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. Parking, setbacks and lot coverage will be met; adequate traffic circulation exists around the building.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The drive-thru window will face west towards another commercially-zoned lot.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:

- a. Traffic generation: The traffic generated by the drive-thru window will not be a significant increase in traffic over what the strip center already produces. Adequate area exists for a drive-thru lane and parking circulation.
- b. Placement of outdoor lighting: No additional lighting will be added to the strip center. No menu board will be used for this drive-thru.
- c. Noise production: The only source of noise will be from cars idling in the drive-thru lane. This noise will be comparable to other automobiles visiting the site. There is no speaker to place orders, but rather orders will be taken and picked up face-to-face at the single window.
- d. Hours of operation: 6:00am to 6:00pm, seven days per week are typical hours of operation for a bagel shop and will be in accord with surrounding commercial uses.

**STAFF RECOMMENDATION:**

Approval

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.